

Prosecution's Docket No. 1439/12

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Don Wilson, Jr., Bryan D. Knodel

Application No.: 09/905,679

Group No.: 3731

Filed: July 13, 2001

Examiner: Paul A. Roberts

For: ENDOSCOPIC CLIP APPLIER AND METHOD

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed February 18, 2004, finally rejecting claims 25-34, 38, 41-53, 55, 56, 58-76, 78-82.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

08/19/2004 HALI11 00000099 500426 09905679

01 FC:1401 330.00 DA  
02 FC:1253 840.00 DA

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

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Date: August 17, 2004

Gayle W. Chaney  
Gayle W. Chaney

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 3

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Other than a small entity	\$330.00
Notice of Appeal fee due	\$330.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee	\$950.00
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If an additional extension of time is required, please consider this a petition therefor.

An extension for one month has already been secured, and the fee paid therefor of \$110.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request	\$840.00
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**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$330.00
Extension fee	\$840.00
<b>TOTAL FEE DUE</b>	<b>\$1,170.00</b>

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$1,170.00 to Deposit Account No. 50-0426.

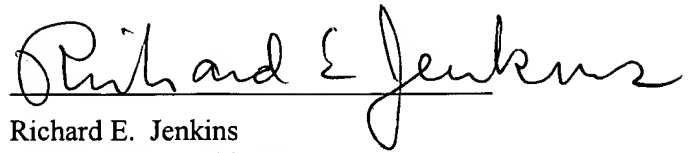
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

**A duplicate of this transmittal is attached.**

6. **FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-0426.

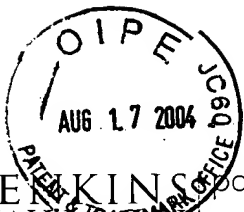
Date: 8-17-04



Richard E. Jenkins  
Registration No. 28,428  
Customer No. 25297

REJ/gwc

1439/12



08-18-04

AF/3731 #  
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August 17, 2004

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Date of Deposit August 17, 2004

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Gayle W. Chaney  
Gayle W. Chaney

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/905,679 for  
ENDOSCOPIC CLIP APPLIER AND METHOD  
Our Ref. No. 1439/12

Sir:

Please find enclosed the following:

1. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. §1.191) with Petition for Extension of Time Under 37 C.F.R. 1.136(a) (3 pages - in duplicate);
2. A return-receipt postcard to be returned to our offices with the U.S. Patent and Trademark date stamp thereon; and
3. A Certificate of Express Mail No.: EV 501 977 312 US.

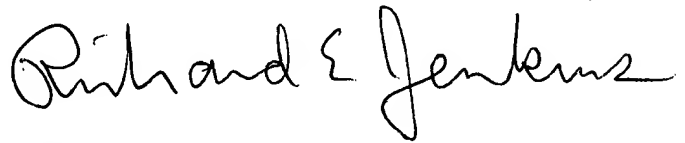
Please contact our offices if there are any questions with respect to this matter.

Commissioner for Patents  
August 17, 2004  
Page 2

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

A handwritten signature in black ink that reads "Richard E. Jenkins". The signature is written in a cursive style with a large, stylized "R" and "J".

Richard E. Jenkins  
Registration No.: 28,428

REJ/gwc

Enclosures

Customer No: 25297

1439/12